

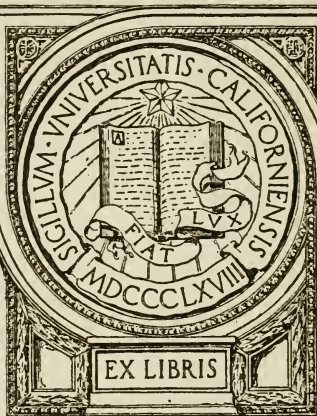
JL
2815
1886
As



B 3 849 726

DOCUMENTS
DEPT.

IN MEMORIAM
BERNARD MOSES



DOCUMENTS
DEPT.

CONSTITUTION
OF THE
REPUBLIC OF COLOMBIA

(7.th AUGUST, 1886)

EDICION OFICIAL.

BOGOTÁ
IMPRESA DE "LA LUZ"

WILLIAM H. HONER

In the name of God, the Supreme source of all authority,

The Delegates of the Colombian States of Antioquia, Bolívar, Boyacá, Cauca, Cundinamarca, Magdalena, Panamá, Santander and Tolima, in National, Constituent Convention assembled ;

In view of the approval given by the Municipalities of Colombia to the Bases of a Constitution issued on the 1st day of December, 1885 ;

And with the object of strengthening the National unity and of ensuring the benefits to be derived from justice, liberty and peace, have agreed to decree, and do hereby decree the following

POLITICAL CONSTITUTION OF COLOMBIA.

TITLE I

OF THE NATION AND TERRITORY.

ABSTRACT—I. The Nation.—II. Sovereignty.—III. Limits.—IV. General territorial division.—V. Mode of altering it.—VI. Other divisions.

ARTICLE 1.

The Colombian Nation is hereby constituted a centralized Republic.

ARTICLE 2.

Sovereignty is vested essentially and exclusively in the Nation, from which shall proceed all public powers, to be exercised within the limits prescribed by this Constitution.

ARTICLE 3.

The boundaries of the Republic are the same as those that in 1810 separated the Vice-Royalty of New

Granada from the Captaincies-General of Venezuela and Gnatemala, from the Vice-Royalty of Perú and the Portuguese possessions of Brazil, and respecting Ecuador, they shall be provisionally the same as those designated in the Treaty of July 9th, 1856.

The lines dividing Colombia from contiguous Nations shall be definitively fixed by public Treaties, which may be negotiated without reference to the principle of *uti possidetis* recognized in 1810.

ARTICLE 4.

The territory, together with the public property therein contained, belong exclusively to the Nation.

The divisions that composed the Colombian Union, and were denominated as States and National Territories, shall continue to be parts of the territory of the Republic of Colombia and shall respectively retain their present dimensions under the name of Departments.

All doubtful dividing lines shall be determined by Commissions of surveyors to be appointed by the Senate.

The ancient National Territories are hereby incorporated with the divisions to which they originally belonged.

ARTICLE 5.

The law may decree the formation of new Departments to be created out of those already existing, when the same may have been asked for by four fifths of the Municipal Councils in the territory to be embraced in the new Department, subject always to the following conditions:

1. That the new Department shall contain, at least, two hundred thousand inhabitants;

2. That the Department or Departments out of which the new one is to be created shall each retain, at least, two hundred and fifty thousand inhabitants;

- And 3. That the law creating the new Department shall be enacted by two successive regular Legislatures.

ARTICLE 6.

The existing limits of the Departments shall not be changed except by a law enacted in the manner directed in the last clause of the preceding Article.

Congress may, by a law enacted in the usual manner and without the above mentioned conditions, separate the Territories referred to in Article 4 and the Islands from the Departments in which they are now incorporated or to which they belonged, and dispose of them as it may deem proper.

ARTICLE 7.

Besides the general division of territory into Departments, each of the latter shall be subdivided in the interest of the public service.

The several divisions relating to finance, military matters and public education shall be separate and distinct from the general division.

TITLE II.

OF THE INHABITANTS: NATIVE AND FOREIGN.

ABSTRACT.—I Status of Colombian citizens. Defined. How it is forfeited. General obligations of natives and foreigners. Domiciled foreigners. Reciprocal limitations of the rights conferred by naturalization.—II Citizenship. Definition thereof. How forfeited. How suspended. Inherent prerogatives of citizenship.

ARTICLE 8.

The following persons are declared to be Colombians:

1st. By birth :

Those who are natives of Colombia under either of the following conditions: that the father or the mother was a native Colombian, or that being the children of foreigners, they are domiciled in the Republic.

The legitimate children of a Colombian father and mother who were born in a foreign country and shall

have afterwards fixed their domicile in the Republic, are considered Colombian by birth for the purposes indicated in the laws that determine this condition.

2. By origin or vicinity. (Spanish-American birth).

Those who are born in foreign Countries, of a Colombian father or mother, and are domiciled in the Republic; and all Spanish-Americans who may have appeared before the Municipal Authorities of the place in which they reside, and register themselves as Colombians.

3. By adoption:

Those foreigners who apply for and obtain letters of naturalization.

ARTICLE 9.

The status of the Colombian citizen is forfeited by his obtaining letters of naturalization in a foreign country fixing therein his domicile, and he may recover it under laws enacted for that purpose.

ARTICLE 10.

It is the duty of all citizens and foreigners in Colombia to live in submission to the Constitution and the laws, and to respect and obey the authorities.

ARTICLE 11.

Foreigners shall enjoy in Colombia the same rights that are conceded to Colombians by the laws of the Nation to which the foreigners belong, except those which are stipulated in public treaties.

ARTICLE 12.

The law shall define the condition, as well as the rights and obligations of all resident foreigners.

ARTICLE 13.

Any Colombian, although he may have lost his citizenship, who may be taken in arms against Colombia, shall be tried and punished as a traitor.

Naturalized foreigners and those residing in Co-

Colombia shall not be compelled to bear arms against the country of their birth.

ARTICLE 14.

Societies and Corporations that in Colombia are recognized as artificial persons shall not enjoy any other rights than those accorded to natural persons who are Colombians.

ARTICLE 15.

All male Colombians shall be held to be citizens, who have attained the age of twenty one years, and who exercise a profession, art or office, or who follow a lawful occupation or other legitimate and ostensible means of support.

ARTICLE 16.

Citizenship is lost when nationality is lost. The quality of citizen shall also be forfeited in either of the following cases, when judicially declared :

1st When he enters the service of a nation at war with Colombia ;

2 When he shall have belonged to a rebellious faction against the Government of a friendly nation ;

3. When he shall have been condemned to suffer corporeal punishment ;

4 When he shall have been removed from public office, by means of a criminal procedure or of an act affecting his civil responsibility.

5th When he shall have committed acts of violence, falsehood or corruption in elections.

All persons who may have lost their citizenship may petition the Senate for restoration.

ARTICLE 17.

The exercise of the rights of citizenship is suspended :

For notorious mental alienation ;

For judicial interdiction ;

For habitual drunkenness ;

For charges pending criminal proceedings and after the issue of a warrant of arrest.

ARTICLE 18.

The quality of citizenship is an indispensable condition precedent to the exercise of the right of voting, and of holding any public office of authority or power.

TITLE III

OF CIVIL RIGHTS AND SOCIAL GUARANTEES.

ABSTRACT:—I. General Principles.—II. Liberty, security and privilege. Property.—III. Religion, Education, Printing. Correspondence.—IV. Industry and occupations.—V. Petition-Assemblage. Association.—VI. Provisions concerning artificial persons and civil condition of persons.—VII. Responsibility for violation of guarantees. Incorporation of this title in the Civil Code.

ARTICLE 19.

The authorities of this Republic are established in order to protect all persons residing in Colombia in their lives, honor and property, and to secure the mutual observance of natural rights, preventing and punishing crimes.

ARTICLE 20.

Private persons are not answerable to the authorities except for violations of the Constitution or the laws. Public officers are answerable in the same manner, and also for exceeding their powers and for failing to execute them.

ARTICLE 21.

In case of a manifest violation of any constitutional provision to the injury of any person, the superior order shall not exempt from responsibility the agent who may execute it.

The military in actual service shall not be held to this responsibility. With respect to them, the superior who gives the order shall be alone responsible.

ARTICLE 22.

There shall be no slaves in Colombia.

Any person being a slave who shall enter the territory of the Republic, shall be free.

ARTICLE 23.

No one shall be molested in his person or family, nor imprisoned, nor arrested, nor shall his domicile be searched unless upon a written warrant from competent authority, issued with all legal formalities and for an offense previously defined by law.

ARTICLE 24.

He who is taken in the actual commission of an offence, may be arrested and carried before the judge by any person. If the police pursue him and he take refuge in his own dwelling, they may enter therein for the purpose of apprehending him; and if he seek asylum in the house of another person, requisition for him should be previously made of the owner or tenant thereof.

ARTICLE 25.

No person shall be compelled to testify in criminal or police proceedings against himself or against his relations within the fourth degree of consanguinity or the second degree of affinity.

ARTICLE 26.

No person shall be prosecuted except in conformity with laws enacted prior to the commission of the offense with which he is charged, before a competent tribunal, and under all the forms of law in each case provided.

In all criminal matters the accused shall enjoy the benefit of the laws that most leniently affect the charge against him, although enacted after the commission of the offense.

ARTICLE 27.

Punishments may be inflicted without previous trial and without a strict observance of the forms of

law, notwithstanding the preceding provision, by the following officers.

1. By those officers exercising authority or jurisdiction who have the power to punish with fine or imprisonment for injury or disrespect towards them in the discharge of their official duties;

2. By military chiefs, who can inflict instant punishment in order to subdue a military insubordination or mutiny, or to maintain discipline in presence of the enemy;

3. Captains of boats, who, not being in port, can exercise the same authority in order to prevent the commission of crime on board.

ARTICLE 28.

Even in time of war, no person shall be punished *ex post facto*, but only according to a law, order, or decree in which the act shall have been previously prohibited, and the punishment prescribed for its commission.

This provision shall not prevent that even in time of peace, there being serious reasons to fear a disturbance of public order, such persons may be arrested and retained, upon the order of the Government and the previous judgment of the Ministers, against whom are serious suspicions that they have attempted to commit a crime against the public peace.

ARTICLE 29.

The Legislature shall only prescribe death as a punishment for the gravest offenses, the following crimes, juridically proven, to wit: treason to one's country in a foreign war, parricide, assassination, arson, assault in a gang of malfactors, piracy, and certain military crimes defined by the military laws.

At no time shall the death penalty be inflicted except as a punishment for offenses embraced in this article.

ARTICLE 30.

There shall be no death penalty for political offenses. The law shall define them.

ARTICLE 31.

Rights acquired by natural and artificial persons under a just title and according to the civil law shall not be disavowed nor violated by laws posteriorly enacted. When in the application of a law enacted for the public welfare there should result a conflict between private rights and a recognized necessity for the same law, private interests shall yield to public interests. But for all expropriations that may have been compelled there shall be required full indemnity in accordance with the following article.

ARTICLE 32.

In time of peace no person shall be deprived of his property in whole or in part, except as a punishment, or judicial compulsion, or indemnity, or general contribution, in accordance with law.

For grave reasons of public utility, to be defined by the Legislature, forcible alienation of property may take place, by means of a judicial mandate, and the owner of the property shall be indemnified for its value before the expropriation is confirmed.

ARTICLE 33.

In case of war and solely for the purpose of effecting the restoration of public order, the necessity for expropriation may be decreed by authorities not invested with judicial power and without previous indemnization.

In the above expressed case immovable property can only be temporarily occupied, either to meet the necessities of the war, or to provide for it with the revenues of the occupied property, as a pecuniary penalty imposed upon the owners according to the laws.

The Nation shall always be responsible for the expropriations made by the Government or its agents.

ARTICLE 34.

The punishment of confiscation shall not be inflicted.

ARTICLE 35.

Inventions and literary compositions shall be protected like movable property during the life time of the author and for eighty years there after, by means of formalities prescribed by law.

This same guaranty is offered to the owners of works published in countries where the Spanish language is spoken, provided that the respective countries reciprocate the provision in their legislation without the necessity of their declaring it through international treaties.

ARTICLE 36.

The purpose of donations *inter vivos* or by testament made in conformity with law and for objects of charity or public education, shall not be diverted nor modified by the Legislature.

ARTICLE 37.

In Colombia there shall not be real estate that may not be freely transferred, nor shall there be any irredeemable obligations.

ARTICLE 38.

The Roman Catholic Apostolic Religion shall be that of the Nation. The Public authorities shall protect it and cause it to be respected as an essential element of social order. It is understood that the Catholic church is not and shall not be an established church, and it shall preserve its independence.

ARTICLE 39.

No person shall be molested on account of his religious opinions, nor compelled by the authorities to profess tenets nor to observe practices contrary to his convictions.

ARTICLE 40.

The exercise of all forms of worship, not contrary to christian morals nor to the laws, is permitted.

All acts contrary to christian morals or subversive of public order that may be performed upon the occasion of, or as a pretext for, the exercise of religious worship, shall be subject to punishment by law.

ARTICLE 41.

Public Education shall be organized and directed in accordance with the Catholic Religion.

Primary instruction paid for out of the public funds shall be gratuitous and not compulsory.

ARTICLE 42.

The press shall be free in time of peace: but it shall be responsible, under the laws, for injuries to personal honor or for disturbances of social order or public tranquility.

No periodical publication shall receive any pecuniary aid from other Governments or from foreign Companies, without the permission of this Government.

ARTICLE 43.

All correspondence confided to telegraph companies and post-offices shall be inviolable. Letters and private papers shall not be intercepted nor examined, except by authority, under the order of a competent officer in such cases and with such formalities as may be determined by law, and for the sole purpose of procuring testimony in judicial investigations. The circulation of newspapers through the post-offices may be taxed, but shall never be prohibited in time of peace.

ARTICLE 44.

Any person may pursue any honest trade or occupation without the necessity of a membership with any guild or other association.

The authorities shall investigate all industries and

professions, in their relation to morals, safety and public health.

The law may exact proofs of competency for the practice of the medical profession and its several branches.

ARTICLE 45.

All persons shall have the right to present respectful petitions to the authorities, whether for reasons of public or private interests, or for the purpose of obtaining prompt action.

ARTICLE 46.

All classes of persons may meet in peaceable assemblies. The authorities may disperse all assemblies that degenerate in disorder or tumult, or that obstruct the public roads.

ARTICLE 47.

The formation of public or private companies or associations that are not contrary to morality or legal order, shall be permitted.

All popular political organizations of a permanent character are forbidden.

All religious associations, in order that they may enjoy the protection of the laws, shall present to the civil authorities their authorization issued by their respective ecclesiastical superiors.

ARTICLE 48.

The government alone shall import, manufacture and own arms and munitions of war.

No person shall be permitted to carry arms in towns without permission from the authorities. This permission shall in no case be given to persons attending political meetings, or elections, or sessions of assemblies or public corporations, whether they participate therein or are present as spectators only.

ARTICLE 49.

Legitimate and public corporations shall be recognized as artificial persons, and may execute, in virtue

thereof, all civil acts and enjoy all the guaranties assured by this title, under such general limitations as may be imposed by the laws for reasons of the common good.

ARTICLE 50.

The laws shall determine the civil status of all persons, and shall prescribe their respective rights and obligations.

ARTICLE 51.

The laws shall determine the responsibility to be incurred by public officers of all classes, who invade the rights guarantied by this Title.

ARTICLE 52.

The provisions contained in the present title shall be incorporated in the Civil Code as a preliminary Title, and shall not be altered unless by an act amending the Constitution.

TITLE IV.

OF THE RELATIONS BETWEEN CHURCH AND STATE.

ABSTRACT:—General rights of the Church.—Incompatibility between Ecclesiastical and Civil functions.—Exemptions.—Authorization of the Government to celebrate conventions with the Holy See.

ARTICLE 53.

The Catholic Church shall have power to administer freely in Colombia its interior affairs and to exercise acts of spiritual authority and of ecclesiastical jurisdiction without authorization from the civil power; and, as an artificial person represented in each Diocese by its respective legitimate Prelate, shall have the right to perform civil acts in virtue of rights recognized by the present Constitution.

ARTICLE 54.

Priestly functions are incompatible with those of public political office. Catholic priests may, nevertheless

less, be employed in works of public Education or Charity.

ARTICLE 55.

Edifices intended for catholic worship, seminaries for religious instruction, and the residence of Bishops and parish priests, shall not be taxed for contributions nor occupied for other purpose than that for which they were destined.

ARTICLE 56.

The Government shall have power to negotiate agreements with the Holy Apostolic See with a view to the adjustment of pending questions, and to define and establish the relations between the civil and ecclesiastical powers.

TITLE V.

OF NATIONAL POWERS AND THE PUBLIC SERVICE,

ABSTRACT :— Limitation of powers.— Legislative power.— The Executive.— The Judiciary.— General rules regarding the public service.

ARTICLE 57.

All public powers shall be limited, and they shall independently exercise their respective functions.

ARTICLE 58.

The law-making power shall be vested in Congress. The Congress shall be composed of a Senate and a House of Representatives.

ARTICLE 59.

The President of the Republic is the Chief of the Executive power, and he shall exercise it with the indispensable cooperation of the Ministers. The President and the Ministers, and in any particular case, the President together with the Minister specially charged therewith, shall constitute the Government.

ARTICLE 60.

The Judicial power shall be exercised by a Supreme Court, by Superior District Tribunals and by such other Tribunals and inferior Courts as may be established by law.

The Senate shall exercise certain judicial powers.

ARTICLE 61.

No person or corporation shall, in time of peace, exercise at the same time political or civil and judicial or military authority.

ARTICLE 62.

The law shall determine all cases in which arises incompatibility of functions ; the cases relating to the responsibility of public officers and the manner of making it effective ; the qualifications and necessary antecedents requisite for the exercise of certain employments, in cases not provided for by the Constitution ; the condition of promotion and retirement on pension ; and the series or class of civil or military services that shall be entitled to pensions from the public Treasury.

ARTICLE 63.

There shall be no office in Colombia whose duties are not defined by law or regulation.

ARTICLE 64.

No person shall receive two salaries from the public Treasury, except in special cases determined by law.

ARTICLE 65.

No public officer shall enter upon the discharge of his office until he shall have sworn to sustain and defend the Constitution, and to perform the duties of his office.

ARTICLE 66.

No Colombian who is in the service of Colombia shall, without the permission of his Government receive

from any foreign Government any office or gift, under penalty of forfeiting his employment.

ARTICLE 67.

No Colombian shall receive from a foreign Government any employment or commission near that of Colombia, without having previously obtained the necessary authorization from the latter.

TITLE VI.

OF THE ASSEMBLING AND FUNCTIONS OF CONGRESS.

ABSTRACT:—I. Time, place and duration of the ordinary meetings of the Legislature.—Formalities necessary for its opening, working and closing.—Extraordinary sessions.—Removals of Congress.—Meeting of the two Houses of Congress.—Illegal assemblages.—II. Functions of Congress.—Limitations of Legislative Power.

ARTICLE 68.

The two Legislative Houses shall meet in ordinary session, by virtue of law, every two years, on the 20th day of July in the Capital of the Republic.

The ordinary sessions shall continue for one hundred and twenty days, after which the Government may declare the Houses adjourned.

ARTICLE 69.

The two Houses shall be opened and closed publicly and at the same time.

ARTICLE 70.

The two Houses shall not open their sessions, nor deliberate, with less than one-third of their members.

The President of the Republic in person, or through his Ministers, shall open and close the two Houses.

This ceremony is not essential to the legal exercise of Congressional functions.

ARTICLE 71.

When on the arrival of the day for the assembling of Congress, it is found that the requisite quorum is

not present, the members present, sitting in provisional council, shall impose such fine upon the absent members, as may be prescribed by the Houses respectively. And the sessions shall be opened as soon as the requisite number of members is present.

ARTICLE 72.

Congress shall assemble in extraordinary session when summoned by the Government. It shall, in such sessions, consider only such business as is specially submitted by the Government for its consideration.

ARTICLE 73.

By agreement of the two Houses, Congress may assemble at a place different from the Capital, and in the case of a public disturbance, it may assemble at a place designated by the President of the Senate.

ARTICLE 74.

The two Houses of Congress shall assemble as a single body, only for the purpose of installing the President of the Republic, and to perform the act prescribed in article 77.

On such occasions the President of the Senate, and the President of the House of Representatives, shall be respectively the President and Vice-President of Congress.

ARTICLE 75.

All meetings of members of Congress for the purpose of exercising their legislative functions, that shall not have taken place under the conditions prescribed by the Constitution, shall be illegal; their acts shall be null; and the individuals who participated in the deliberations shall be punished according to law.

ARTICLE 76.

Congress shall make the laws.

By means of these laws, it exercises the following functions:

1. To interpret, amend, and repeal preexisting laws.

2. To modify the general division of the territory in accordance with articles 5 and 6, and to establish and reform, whenever proper, the other territorial divisions defined in article 7.

3. To confer special powers upon the Department Assemblies.

4. To regulate the Administration of Panamá;

5. To change the residence of the national officers, whenever under extraordinary circumstances and for grave reasons it may be deemed necessary for the public convenience.

6. To organize and provide for the standing army every two years in ordinary session.

7. To create all public offices required by the public service, and to fix the respective salaries thereof.

8. To regulate the public service, determining all the matters referred to in article 62.

9. To authorize the Government to make contracts, negotiate loans, alienate national property and exercise other prerogatives within constitutional limits.

10. To invest the President of the Republic temporarily with such extraordinary powers as necessity may require or the public convenience demand.

11. To provide for the national revenues and to determine the expenses of the administration.

Each legislature shall vote a general estimate thereof.

The estimate so made shall not include any item not previously decreed by law nor a credit not judicially recognized

12. To recognize the national debt and provide for its payment.

13. To decree extraordinary expenses whenever necessity requires it.

14. To approve or disapprove contracts or agreements entered into by the President of the Republic

with private persons, companies or political corporations wherein the national Treasury is interested, if they have not been previously authorized, or if the formalities prescribed by Congress have not been complied with, or if any condition contained in the law authorizing them has been disregarded.

15. To determine the alloyage, weight, impress and denomination of coins, and to regulate the system of weights and measures.

16. To organize the public credit.

17. To decree the execution or continuance of public works and the erection of public monuments.

18. To aid the construction of such useful and beneficent works as may be deemed worthy of encouragement and support.

19. To decree public honors to such citizens who may have rendered distinguished services to the country.

20. To approve or disapprove the Treaties entered into by the Government with foreign powers.

21. To grant, by a vote of two-thirds of the members of each House, and for grave considerations of the public good, amnesties and general pardon for political offenses. In case the recipient of such amnesty or pardon is thereby relieved from responsibility to any person, the Government shall assume the burden of indemnifying such person.

22. To limit or regulate the appropriation or conveying of waste lands.

ARTICLE 77.

Congress shall elect at its ordinary sessions, and for a term of two years, the Designado who shall exercise the Executive Power in default of both President and Vice-President.

* “Designado,” is the title of the officer *designated* by the Congress to exercise the Executive Power of the Nation in the absence of both the President and Vice-President.

ARTICLE 78.

The following acts are prohibited to Congress and to either of the Houses thereof :

1. To address appeals to public officers ;
2. To enact laws or adopt resolutions concerning matters that are exclusively entrusted to other departments of the Government ;
3. To vote approval or censure of any official act ;
4. To require the Government to communicate to it the instructions given to diplomatic agents, or to give information relative to negotiations of a private character ;
5. To decree to any person any reward, indemnity, pension, or other pecuniary consideration that is not intended to satisfy credits or rights recognized by existing laws, except in the case provided in article 76, paragraph 18 ;
6. To enact laws of banishment or persecution against persons or corporations.

— — —
TITLE VII.

ON THE ENACTMENT OF LAWS.

ABSTRACT:—I. Method of originating legislative enactments.—Limitation of the power.—Requisites for legalizing acts of Congress.—II. Participation of the Government in the debates.—Participation of the Supreme Court.—Rights and duties of the Government relative to the approval of laws.—Formalities to be observed in considering the objections of the Government.—Intervention of the Supreme Court.—III. The enacting clause.

ARTICLE 79.

Laws may originate in either House, and may be introduced by any member thereof or by the Ministers of the Government.

ARTICLE 80.

Laws of the following classes shall be excepted from the provision of the preceding article :

1. Such laws as must originate in the House of Representatives. (Article 102, section 2.^d).

2. Such enactments as relate to the civil laws and to judicial proceedings which can only be amended by bills originating in a Committee of either House or with the Ministers of Government.

ARTICLE 81.

No legislative enactment shall become a law, unless:

1. It shall have passed three readings and been adopted in each House on three different days by a majority of the members thereof; and

2. It shall have obtained the approval of the Government.

ARTICLE 82.

The consideration of a law cannot be closed upon the second reading thereof, nor can a vote be taken thereof without the presence of an absolute majority of the members composing the House.

ARTICLE 83.

The Government may take part in all legislative debates through the Ministers of the Government.

ARTICLE 84.

The Judges of the Supreme Court shall be entitled to be heard in the discussion of all bills relating to civil laws and judicial procedure.

ARTICLE 85.

After a bill shall have passed both Houses, it shall be sent to the Government, and if approved thereby it shall be promulgated as a law.

If not approved, the Government shall return it with the objections thereto, to the House in which it originated.

ARTICLE 86.

The President of the Republic shall be allowed the term of six days within which to return a bill with the objections, provided it does not contain more than

fifty articles; he shall be allowed the term of ten days when the bill contains from fifty one to two hundred articles, and fifteen days when the bill contains more than two hundred articles.

If the President shall not have returned the bill with the objections within the term prescribed therefor, he shall approve and promulgate it. But if the Houses should adjourn within the term prescribed for the consideration of a bill then in the hands of the President, he shall, within ten days after the adjournment, publish the bill together with his approval or objections.

ARTICLE 87.

A bill objected to as a whole shall be returned by the President for its consideration by the Houses on the third reading. If it shall have been objected to only in part, it shall be placed upon its second reading with the sole object of considering the objections of the government.

ARTICLE 88.

Any bill that shall be passed by two-thirds of the members of both Houses, notwithstanding the objections of the President, shall be approved by him and he shall not have the power to present new objections thereto.

ARTICLE 89.

If the Government shall fail to approve the bills under the terms and according to the conditions established by this Title, it shall be the duty of the President of Congress to approve and promulgate the same.

ARTICLE 90.

If a bill should be objected to for the reason that it is unconstitutional, it shall be excepted from the provision of Article 88. In that case, if the Houses so declare, it shall be referred to the Supreme Court for its decision, which shall, within six days, decide

upon its constitutionality. If the decision of the Court should be favorable to the bill, the President shall give it his approval. If the decision be unfavorable, the bill shall fail and be removed from the calender.

ARTICLE 91.

All bills left pending in either House upon their adjournment shall not be considered otherwise than as new bills by another Legislature.

ARTICLE 92.

The enacting clause of all laws shall be :

The Congress of Colombia

DECREES :

—

TITLE VIII.

OF THE SENATE.

ABSTRACT.—Composition of the Senate.—Qualifications of Senators.—Senatorial term and manner of its renewal—Judicial powers of the Senate.—Other powers of the Senate.

ARTICLE 93.

The Senate shall be composed of three Senators from each Department.

Two substitutes shall be elected for each Senator.

ARTICLE 94.

Senators shall be native Colombians and in the full enjoyment of their citizenship, they shall be more than thirty years of age and shall be in the enjoyment of an annual revenue of at least two thousand dollars derived from property or the exercise of an honest occupation.

ARTICLE 95.

Senators shall be elected for the term of six years, and they shall be reeligible indefinitely.

One third part of the Senate shall be renewed every two years, in the manner to be determined by law.

ARTICLE 96.

The Senate shall try all impeachments of public officers that may be presented by the House of Representatives, referred to in Article 102, section 4.

ARTICLE 97.

In all trials by the Senate, the following rules shall be observed :

1. Whenever an accusation is publicly made, the accused shall be, *ipso facto*, suspended from his office.

2. If the accused be charged with offenses committed while in the performance of his public duties, or with unfitness on account of misconduct, the Senate shall not have the power to impose other penalty than removal from office, or the temporary or permanent deprivation of political rights ; but if the accused be charged with offenses that merit other penalties, he shall be tried under criminal proceedings in the Supreme Court.

3. If the accused be charged with a common crime, the Senate shall determine whether there be grounds for proceeding against him, and in case of an affirmative decision, it shall remand him to the Supreme Court for trial.

4. The Senate shall refer the preparation of each trial to a committee of its own body, reserving to itself the duty of trial and of pronouncing sentence, which shall be done in open session and by a vote of two-thirds at least of the Senators who engage in the trial.

ARTICLE 98.

The Senate shall also be invested with the following powers :

1. To reinstate those who have forfeited their rights of citizenship. This act of clemency, according to the circumstances of each case, shall extend only to electoral rights, or to the capacity to fill public offices, or to the exercise of political functions ;

2. To appoint two members of the Council of State ;

3. To accept or decline the resignations of the President or Vice President, or Designado ;

4. To confirm or reject the nominations made by the President of the Republic of judges of the Supreme Court ;

5. To confirm or reject the military appointments made by the Government, from the rank of lieutenant-colonel to that of the highest offices in the Army and Navy ;

6. To grant leave to the President of the Republic to absent himself temporarily, from his office, for other cause than for sickness, or to permit him to exercise his functions outside of the capital ;

7. To permit the passage of foreign troops through the territory of the Republic ;

8. To appoint the commissioners referred to in Article 4 ;

9. To authorize the Government to declare war against a foreign country.

— —

TITLE IX.

OF THE HOUSE OF REPRESENTATIVES.

ABSTRACT—Composition of the House.—Qualifications of members, and term of their office.—Powers of the House.

ARTICLE 99.

The House of Representatives shall consist of one member for every fifty thousand inhabitants of the Republic. Two substitutes shall be elected for each member.

ARTICLE 100.

No person shall be a Representative who is not a citizen in the full enjoyment of the rights thereof, and who shall not be more than twenty-five years of age, or who shall have been condemned for an offence punishable with corporal punishment.

ARTICLE 101.

Representatives shall be elected for the term of four years, and they shall be reeligible indefinitely.

ARTICLE 102.

The House of Representatives shall have the following powers :

1. To examine and pronounce finally upon the general account of the Treasury ;

2. To originate all laws for the laying of taxes, and for the organization of the public Ministry ;

3. To appoint two Councillors of State ;

4. To impeach to the Senate, when occasion shall require it, the President and Vice-President of the Republic, the Ministers of State, the Councilors of State, the Attorney General, and the Judges of the Supreme Court ;

5. To examine charges and complaints presented to it by the Attorney General or by private persons, against either of the above named public officers, except the President and Vice-President, and if found proper, to prepare articles of impeachment for the consideration of the Senate.

TITLE X.

PROVISIONS COMMON TO BOTH HOUSES AND TO THE MEMBERS THEREOF.

ABSTRACT:—I. Powers common to both Houses.—Publicity of sessions.—II. Representative character of the members of Congress.—Irresponsibility for votes given.—Personal immunity.—Incompatibility of duties.—Pecuniary compensation.—Provisions regarding vacancies.

ARTICLE 103.

Each of the two Houses shall have the following powers:

1. To make regulations for the Government of its own body, and to adopt such measures as it may deem proper to ensure the attendance of its members ;

2. To create and provide for such offices as it may deem necessary for the discharge of its business ;

3. To organize, when necessary, a police force for the building in which it holds its sessions ;

4. To examine whether the credentials presented by members are in accordance with law and entitle them to seats ;

5. To answer, or not, the messages of the Government ;

6. To call upon the Ministers for written or verbal information necessary for the public business, or to inform themselves of the acts of the administration except such as are reserved from this inquiry by article 78, section 4 ;

7. To appoint commissioners to represent it in any official act ;

8. To appoint speakers from its body to appear before the other House in case of disagreement in the formation of a law ;

9. To approve all the resolutions that it may deem proper within the limits prescribed in article 78.

ARTICLE 104.

The sessions of the two Houses shall be public, within the limitations as prescribed by law.

ARTICLE 105.

The members of the two Houses represent the whole nation and should vote in the sole interest of justice and the public good.

ARTICLE 106.

Senators and Representatives shall not be held responsible for votes and opinions given by them in the exercise of their duties. For any expression in debate they shall be alone responsible to the House to which they belong ; they may be called to order by the presiding officer and punished according to the regulations for any offense committed.

ARTICLE 107.

During a session of Congress, and for forty days prior thereto, no member thereof shall be brought to civil or criminal trial without the permission of the House to which he belongs. In case of his being discovered in the actual commission of an offense he may be arrested and placed at the disposition of the House of which he is a member.

ARTICLE 108.

The President and Vice-President of the Republic, the Ministers and Councilors of State, the Judges of the Supreme Court, the Attorney General of the Nation, and the Governors, shall not be eligible as members of Congress until six months after they shall have ceased to perform the duties of their offices respectively.

No person shall be a Senator or Representative for any Department or electoral district in which, three months prior to the election, he may have exercised civil, political, or military jurisdiction or authority.

ARTICLE 109.

The President of the Republic shall not have the power to appoint Senators and Representatives to any office during their respective terms, nor for one year after the expiration thereof, except the offices of Minister or Councilor of State, Governor, Diplomatic agent, and Military chief in time of war.

The acceptance of either of these offices by a member of Congress shall vacate the seat of such member.

ARTICLE 110.

Senators and Representatives shall not, either directly or through third persons, enter into any contract with the administration, nor shall they accept a power of Attorney for the negotiation of any business with the Government of Colombia.

ARTICLE 111.

Whenever a Senator or Representative shall vacate his seat, and it shall be filled by his substitute, the former shall be entitled to the travelling expenses to the capital, and the latter to the travelling expenses to his domicile.

ARTICLE 112.

No increase in the *per diem* pay of the members, nor in the compensation or their travelling expenses, shall go into effect during the session in which the same may have been enacted.

ARTICLE 113.

In case of the temporary or permanent absence of a member of Congress, the vacancy shall be filled by his substitute.

TITLE XI.

OF THE PRESIDENT AND VICE-PRESIDENT OF THE
REPUBLIC.

ABSTRACT:—I. Election of the President. Qualifications. Oath of office.—II Functions of the President: *a*) in connection with the Legislative Power *b*) with the judiciary; *c*) as supreme administrative officer. His functions in time of war.—III. Responsibility of the President.—IV. Manner of providing for his absence.—V. Of the Vice-President of the Republic.—VI. Of the Designado.

ARTICLE 114.

The President of the Republic shall be elected by the Electoral Assemblies voting on the same day, and in the manner determined by law, for a term of six years.

ARTICLE 115.

The President of the Republic shall possess the same qualifications as a Senator.

ARTICLE 116.

The President elect of the Republic shall take possession of his office in the presence of the Presi-

dent of Congress, and he shall take the following oath :
“ I swear before God to comply faithfully with the
Constitution and the laws of Colombia.”

ARTICLE 117.

If, for any reason, the President should not be able to take possession of his office in the presence of the President of Congress, he shall do so before the President of the Supreme Court, and failing in this, before two witnesses.

ARTICLE 118.

The President of the Republic shall exercise the following powers in relation to the Legislative department :

1. To open and close the ordinary sessions of Congress ;

2. To convene Congress in extraordinary sessions for serious reasons of public convenience and after previous consultation with the Council of State ;

3. To address to Congress, at the beginning of each legislature, a message upon the acts of the administration ;

4. To send, at the same time, to the House of Representatives, the budget of the revenues and expenses, and a general account of the Treasury ;

5. To furnish to the two Houses such information as they may call for not requiring secrecy ;

6. To furnish efficient aid to the two Houses when they demand it, placing at their disposal, if necessary, the whole public force ;

7. To cooperate in the enactment of laws, by presenting bills through the medium of the Ministers, and by exercising the right of veto and approval under the Constitution ;

8. To issue decrees that shall have the binding force of legislative enactments in such cases and with such formalities as are prescribed in article 121.

ARTICLE 119.

The President of the Republic shall exercise the following powers in relation to the judiciary department :

1. To appoint the Judges of the Supreme Court ;
2. To appoint the Judges of the Superior Tribunals, each one from a list of three nominations made to him by the Supreme Court ;

3. To appoint and remove the public Ministers ;

4. To see that prompt and full justice is administered all over the Republic, furnishing judicial officers, under the provisions of law, with such aid as may be necessary for the enforcement of their decrees ;

5. To cause to be accused before a competent tribunal, through the respective agent of the public Ministry, or by a special attorney appointed for the purpose, the Governors of Department, or any other national or municipal officers charged with administrative or judicial duties ; for any violation of the Constitution or laws, or for other offences committed in the exercise of their functions ;

6. To commute the sentence of death, with the previous consent of the Council of State, for the punishment next proceeding it in the penal scale, and to grant pardons for political offenses and commutations of sentence for common offenses, in accordance with the laws that regulate the exercise of this power. In no case shall these pardons and commutations relieve the beneficiaries of responsibilities due by them to private persons, under the laws.

He shall not exercise the last prerogative towards the Ministers of State, except upon a petition from one of the Houses of Congress.

ARTICLE 120.

The President of the Republic shall exercise the following power as the Chief Executive officer of the Nation :

1. To appoint and remove at his pleasure, the Ministers of State ;

2. To promulgate the laws, to obey them, and to see that they are faithfully executed ;

3. To perform his general executive power by issuing ordinances, decrees and resolutions necessary to the execution of the laws ;

4. To appoint and remove, at his pleasure, the Governors ;

5. To appoint two Councilors of State ;

6. To appoint all persons in the national service not otherwise provided for by the Constitution and the laws to be hereafter enacted.

In all cases the President shall have the power to appoint and remove his agents, at his pleasure ;

7. To control the public force and to confer military appointments, under the restrictions imposed in section 5 of article 98, and with the formalities established by law for the exercise of this power ;

8. To preserve and maintain public order throughout the Republic ;

9. To direct, whenever he may think proper, the military operations as chief of the armies of the Republic. If he should personally exercise the military command beyond the limits of the capital, the Vice President shall then assume charge of the other duties of the Executive office ;

10. To direct diplomatic and commercial relations with other powers and sovereigns, to appoint at his pleasure and to receive the respective Agents, and to negotiate treaties and conventions with foreign powers.

All treaties shall be submitted to Congress for its approval, and all conventions, in the recess of the two Houses, shall be approved by the President with the consent of the Ministers and of the Council of State.

11. To provide for the exterior safety of the Republic, defending the independence and honor of the

Nation, and the inviolability of the territory ; to declare war, with the consent of the Senate, or to make war without such consent whenever it became necessary to repel a foreign invasion ; and to conclude and ratify the treaty of peace, reporting his proceedings with documents to the next legislature.

12. To permit, in the recess of the Senate and after having previously consulted the Council of State, the passage of foreign troops across the territory of the Republic.

13. To permit, after consultation with the Council of State, the harboring of foreign vessels of war within the waters of the Nation.

14. To supervise the strict collection and administration of the revenues and public moneys, and to decree their disbursement according to law.

15. To regulate, direct and inspect public national education.

16. To enter into administrative contracts for the engagement of services or for the performance of public works, in accordance with the fiscal laws, and rendering account thereof to the Congress in its ordinary session.

17. To organize the National Bank and to exercise the necessary inspection over banks of emission and other establishments of credit in conformity with the laws.

18. To permit the acceptance, by the national employees who may request it, of offices or gifts from foreign governments.

19. To issue letters of naturalization in conformity with law ;

20. To grant patents for prescribed periods to the authors of useful inventions and improvements, in accordance with the laws.

21. To exercise the right of inspection and vigilance over institutions of common utility, in order that their revenues may be preserved and properly applied, and that the will of the founders may be in all respects carried out.

ARTICLE 121.

In case of a foreign war or of civil commotion, the President may, after consultation with the council of State and with the written consent of all the Ministers, declare the Republic to be in a State of war or public order to be disturbed in the Republic or in a part thereof.

After such a declaration shall have been proclaimed, the President shall be invested with all the powers conferred by law to defend the rights of the Nation or repress the disturbance, and in case such law shall not be efficient for the purpose, he shall use the powers conferred by the Law of Nations. The extraordinary measures or decrees of a provisional character within the said limits, which the President may ordain, shall be binding, provided they bear the signatures of all the Ministers.

The Government shall declare the restoration of public peace whenever the civil commotion or foreign war shall have ceased; and shall send to Congress a report of the reasons that induced his measures. All officers shall be responsible for the abuse of extraordinary powers confided to them.

ARTICLE 122.

The President of the Republic, or whosoever shall exercise the Executive powers in his stead, shall be responsible only in the following cases, to be defined by law :

1. For acts of violence or coercion at elections;
2. For acts that may prevent the constitutional assembling of the legislative Houses, or may obstruct them or other public corporations or authorities established by the Constitution, in the exercise of their duties; and
3. For acts of high treason.

In the first two cases, the penalty shall be removal from office, and if he shall have ceased to exercise his office of President, he shall not be reeligible to the presidency.

No act of the President, except the appointment and removal of Ministers, shall be valid or binding until it shall have been signed and promulgated by the Minister to whose department it refers, which Minister shall then be responsible for the same.

ARTICLE 123.

The Senate may grant a leave of absence to the President from his Executive office.

The President may, on account of bad health, retire, for the time necessary to its restoration, from his public duties by giving previous notice thereof to the Senate, or, if not in session, to the Supreme Court.

ARTICLE 124.

The Vice President of the Republic shall perform the duties of the Executive office, during the temporary absence of the President.

In case of the permanent absence of the President, the Vice President shall occupy the Executive office until the expiration of the term for which he was elected.

The death or accepted resignation of the President shall be considered cases of permanent absence.

ARTICLE 125.

Whenever the Vice President, for any reason, shall not be able to discharge the duties of the Presidency, they shall be performed by the Designado elected by Congress for the two years during which the disability occurs.

Whenever, for any reason, the Congress may have failed to elect a Designado, the Designado who was last elected shall continue to act in that capacity.

In the absence of both the Vice President and Designado, the Executive office shall be filled by the Ministers and the Governors, the latter in the order of the proximity of their residence to the capital of the Republic. The Council of State shall have the power, in

each case in which such vacancy may occur, to designate the Minister who shall fill the Executive office.

ARTICLE 126.

The person in charge of the Executive office shall enjoy the same privileges and exercise the same powers accorded to the President whose office he fills.

ARTICLE 127.

The citizen who may have been elected President of the Republic shall not be reelected for the following term, provided he filled the Executive office during the eighteen months immediately preceding the new election.

The citizen who may have been called to the exercise of the Presidency and who shall have performed its duties within the six months next preceding the new election, shall not be eligible to the Presidency.

ARTICLE 128.

The Vice President of the Republic shall be elected at the same time, by the same electors and for the same term as the President.

ARTICLE 129.

The Vice President shall possess the same qualifications as the President.

ARTICLE 130.

The Vice President shall be the presiding officer of the Council of State, and he shall perform such other duties as shall be imposed upon him by law.

ARTICLE 131.

In case of the permanent absence of the Vice President, his office shall remain vacant until the end of his constitutional term.

TITLE XII.

OF THE MINISTERS OF STATE.

ABSTRACT.—Administrative Departments.—Qualifications of Ministers.—Their functions.—Delegated powers exercised by them.

ARTICLE 132.

The number, names and precedence of the several Ministers of administrative Department, shall be determined by law.

The President shall assign to the several Ministers the business that appertains to their departments respectively.

ARTICLE 133.

A Minister shall possess the same qualifications as a Representative.

ARTICLE 134.

The Ministers are the Government's organs of communication with Congress; they present bills to the two Houses, take part in the debates and counsel the President in his consideration of legislative acts.

Each Minister shall present to Congress, within the first fifteen days of each legislature, a report upon the condition of affairs appertaining to his Department and advise such reforms as experience may suggest.

The two Houses may require the assistance of the Ministers.

ARTICLE 135.

The Ministers, as superior chiefs of the administration, may exercise presidential authority in certain cases, according as the President may direct. Under their own responsibility, they may annul, reform or suspend the acts of their subordinate officers

TITLE XIII.

OF THE COUNCIL OF STATE.

ABSTRACT:—Formation of Council of State.—Division of the Council into Sections.—Substitutes.—Powers of the Council.

ARTICLE 136.

The Council of State shall consist of seven persons, to wit: the Vice-president of the Republic, who shall preside, and six voting members, in accordance with this Constitution. The Ministers of State shall have a voice in the Council, but shall not be permitted to vote therein.

ARTICLE 137.

The office of a Councilor of State is incompatible with any other employment.

ARTICLE 138.

The Councilors of State shall hold their office for four years, and one-half of the Council shall be renewed every two years.

ARTICLE 139.

The Council shall be divided into Sections for the performance of its proper duties in such manner as the law may direct or as the Council itself may ordain.

ARTICLE 140.

The law shall determine the number of substitutes for the Councilors, and the rules in regard to the mode of their appointment, their services and responsibilities.

ARTICLE 141.

The Council of State shall possess the following attributes:

1. To act as the Supreme Consulting body of the Government, in matters of administration, in which case they shall be heard regarding all affairs

committed to their advise by the Constitution and the laws. The opinions of the Council shall not be binding upon the Government except in a vote for the commutation of the death penalty.

2. To prepare bills and Codes for the consideration of the two Houses, and to propose such reforms as they may deem proper in the several branches of legislation.

3. To decide, without appeal, all controversies within the administrative department of the Government, provided the law shall establish this jurisdiction either original and exclusive, or appellate.

In this case the Council shall have a section to whom such controversies shall be referred and also an attorney, both to be created by law.

4. To keep a register of their opinions and resolutions, and to transmit a copy thereof, through the Government, to the Congress within fifteen days after the opening of the regular sessions, except the secret business of the Council, as long as the secrecy may be deemed necessary.

5. To establish its own regulations for the conduct of its business, with the obligation that it shall hold as many sessions in each month as shall be necessary to discharge the business appertaining thereto.

And all such other attributes as the law may ordain.

TITLE XIV.

OF THE PUBLIC MINISTRY.

ABSTRACT.—Attributes of the Public Ministry.—Of the Attorney-General.—His term of office.—His functions.

ARTICLE 142.

The public Ministry shall be exercised, under the direction of the Government, by an Attorney-General of the Nation, by ministerial officers of the Superior District tribunals and by the other functionaries to be designated by law.

The House of Representatives shall exercise ministerial functions.

ARTICLE 143.

The officers of the Public Ministry shall defend the interests of the Nation, promote the execution of the laws, judicial sentences and administrative orders; they shall supervise the official conduct of public employees: and prosecute those guilty of crimes and misdemeanors that disturb the social order.

ARTICLE 144.

The term of office of the Attorney-General shall be three years.

ARTICLE 145.

The Attorney-General of the Nation shall be vested with the following functions:

1. To see that all public officers in the service of the Nation shall properly discharge their duties.

2. To arraign before the Supreme Court all officers who are to be tried by it.

3. To see that all the other officers of the Public Ministry shall faithfully discharge their duties and to hold them to a legal responsibility for all illegal acts.

4. To appoint and remove at his pleasure his immediate subordinate officers.

And all such other functions as the law may assign to him.

—

TITLE XV.

OF THE ADMINISTRATION OF JUSTICE.

ABSTRACT:—I Supreme Court of Justice.—Term of office and qualifications of the Judges. — Attributes of the Supreme Court.—II. Superior District Tribunals.—Qualifications and term of office of its members.—III. Inferior Tribunals.—Qualifications of Judges.—IV. Miscellaneous provisions concerning the several judges.—V. General Rules.—VI. Juries in criminal cases;— Commercial Courts;— Administrative disagreements.

ARTICLE 146.

The Supreme Court shall be composed of seven judges.

ARTICLE 147.

The judges of the Supreme Court shall fill their office during good behavior. The law shall determine the causes for which they are removable and the formalities to be observed in declaring judicial sentence in such cases.

Any judge who may accept any other office from the Government, shall be held to have vacated his judgeship.

ARTICLE 148.

The President of the Supreme Court shall be elected every four years by the Court itself.

ARTICLE 149.

There shall be seven substitutes appointed to supply the temporary vacancies that may occur on the Supreme bench. Whenever a permanent vacancy shall occur, either by death, resignation, or under a constitutional provision or by judicial decree, a new appointment shall be made to supply the vacancy.

ARTICLE 150.

The judges of the Supreme Court shall be Colombians by birth and in the exercise of the full rights of citizenship; they shall be at least thirty five years of age and have presided as judges in one of the Superior District Tribunals or in one of the Tribunals of the former States, or they shall have pursued, with credit, for five years at least, the profession of law, or have been professors of jurisprudence in some public institution.

ARTICLE 151.

The Supreme Court shall exercise the following functions:

1. To take cognizance of causes on appeal, conformably with the law.
2. To adjust all disagreements that may arise between two or more District Tribunals.

3. To take cognizance of all lawsuits in which the Nation may be interested, or which may involve a controversy between two or more Departments.

4. To decide, finally, upon the constitutionality of all legislative acts, that may have been objected to by the Government for alleged unconstitutionality.

5. To decide, in conformity with law, upon the validity or nullity of such ordinances enacted by the Departments as may have been suspended by the Government or denounced before the Tribunals as subversive of civil rights.

6. To try the high national officers who may have been accused before the Senate for any offense that is made triable thereby under article 97.

7. To take cognizance of all causes for violation of the Constitution or laws, or for malfeasance in office, that may be instituted against Diplomatic or Consular Agents of the Republic, Governors, Judges, Commanders or Generals of the national forces, and the chiefs of the principal Treasury offices of the Nation.

8. To take cognizance of all causes affecting Diplomatic agents accredited to the Government of the Nation, which are provided for by international law.

9. To take cognizance of all causes relating to the navigation of the sea or of navigable rivers flowing through the territory of the Nation.

And all such other functions as the law may assign to it.

ARTICLE 152.

The Court shall appoint and remove, at pleasure, its subordinate officers.

ARTICLE 153.

In order to facilitate the prompt administration of justice, the national territory shall be divided into Judicial Districts, in each of which there shall be a Superior Tribunal, whose formation and functions shall be determined by law

ARTICLE 154.

In order to serve as a judge in the Superior Tribunals, it is required to be a citizen in the exercise of citizenship, to be thirty years of age at least, and to have creditably practiced the profession of the law, or taught in a public institution.

ARTICLE 155.

The provisions contained in article 147, shall apply to judges of the Superior Tribunals. They shall be responsible to the Supreme Court, in the manner to be determined by law, for all malfeasance in office and for the commission of all acts in derogation of official dignity.

ARTICLE 156.

The Inferior Courts shall be organized, and their functions and the terms of their judges shall be determined, by laws to be enacted for the purpose.

ARTICLE 157.

Every person filling the office of judge shall be a citizen in the full enjoyment of the rights of citizenship, shall be learned in the law, and shall bear a good reputation.

The second requisite herein prescribed, shall not be required of municipal judges.

ARTICLE 158.

Inferior judges shall be held responsible by their respective Superiors.

ARTICLE 159.

Judicial offices shall not be cumulative ; and they are incompatible with the exercise of any other office of emolument or with any participation in the practice of the law.

ARTICLE 160.

Judges shall not be suspended from the exercise of their functions except in the cases and under the

formalities prescribed by law, nor otherwise than by a judicial decree. And their transference to other employments shall leave their judgeship vacant.

The salaries of the Judges shall not be abrogated or diminished, if they should suffer any prejudice in consequence thereof.

ARTICLE 161.

Every sentence shall be accompanied by the reasons therefor.

ARTICLE 162.

The law may institute juries for the trial of criminal suits.

ARTICLE 163.

Courts of Commerce may be established.

ARTICLE 164.

There may be established by law Tribunals with jurisdiction to resolve administrative differences, which Tribunals shall take cognizance of all differences occasioned by the administrative acts of the several Departments; and power may also be given to the Council of State to decide all conflicts between the several Ministries of the administration.

TITLE XVI.

OF THE PUBLIC FORCE.

ABSTRACT.—Military service.—Standing army.—Force, Duties and rights of soldiers.—Courts Martial.—National militia.

ARTICLE 165.

All Colombians shall be required to bear arms when public necessity requires that they should do so to defend the national independence and the institutions of the country.

All exemptions from military service shall be determined by law.

ARTICLE 166.

The Nation shall keep a standing army for its defense. The law shall determine the mode of filling vacancies in the army, as well as all matters relating to the promotion, rights and duties of soldiers.

ARTICLE 167.

Whenever the law shall fail to fix the number of the standing army, the provisions of the preceding law relating thereto shall be in force.

ARTICLE 168.

The army is not a deliberative body. It shall not assemble except by order of the legitimate authority; it shall not address petitions except in the interest of its better service and morals and in accordance with the laws governing the same.

ARTICLE 169.

Persons in the military service shall not be deprived of their rank, honors and pensions except in the cases and manner pointed out by law.

ARTICLE 170.

Courts Martial or Military Tribunals shall take cognizance, under the laws of the Military penal Code, of all offenses committed by persons in the active service of the army, and in regard to the said service.

ARTICLE 171.

The law may organize and establish a national militia force.

TITLE XVII.

OF ELECTIONS.

ABSTRACT.—Election of municipal Councilors and Deputies of Departments.—Of Electors and Representatives —Of President and Vice-President.—Rules for organizing the two Houses.—Territorial division for the election of Representatives.—Limitation of electoral right.—Judges of inquiry.

ARTICLE 172.

All the citizens shall elect directly the municipal Councilors and the Deputies to the Assemblies of the Departments.

ARTICLE 173.

All citizens who may know how to read and write or who have an annual revenue of five hundred dollars, or who own immovable property to the value of one thousand five hundred dollars, may vote for electors, and shall elect directly the Representatives.

ARTICLE 174.

The electors shall vote for the President and Vice-President of the Republic.

ARTICLE 175.

The Senators shall be elected by the Assemblies of the Departments; but in no case shall members of the said Assemblies be elected who may have belonged thereto within one year of the date of election.

ARTICLE 176.

There shall be one elector for each one thousand inhabitants.

There shall also be one elector for each district that may contain less than one thousand inhabitants.

ARTICLE 177.

The Electoral Assemblies shall be renewed at each presidential election, and the legitimate members

thereof shall not be deprived of the right of exercising their functions unless their rights of citizenship have been suspended or forfeited by judicial decree

ARTICLE 178.

Each Department shall be divided into as many electoral districts as it may be entitled to Representatives, and each district shall elect one Representative.

The law shall make provision for dividing the Departments as provided for in the preceding paragraph, and in the absence of such provision, the Government shall provide for the same.

Municipal districts containing more than fifty thousand inhabitants shall be constituted electoral districts and shall elect one or more Representatives according to their population.

In case the fractions of population over and above the number necessary for a Representative, shall, when added together, amount to more than twenty-five thousand inhabitants, they shall elect one additional Representative. The law shall fix the rules for the election of the said additional members.

ARTICLE 179.

The right of suffrage shall be exercised as a constitutional function. The person who votes or elects does not thereby impose any obligation on the candidate, nor does he confide any trust to the officer elect.

ARTICLE 180.

There shall be judges of inquiry, vested with equity jurisdiction, who shall be empowered to decide all questions concerning the validity or nullity of election records, concerning the elections themselves, or the particular votes cast thereat.

These judges shall be responsible for their decisions, and they shall be appointed in the manner and for the term provided by law.

ARTICLE 181.

The law shall provide for all matters relating to elections and the judicial inquiry thereof and it shall make the functions of each independent of the other: it shall define the crimes by which the freedom of elections or the truthfulness of their returns are impaired, and it shall prescribe the proper penalties therefor.

TITLE XVIII.

OF THE ADMINISTRATION OF THE DEPARTMENTS AND MUNICIPAL DISTRICTS.

ABSTRACT.—I. Territorial division of the Departments.—II. Assemblies of the Departments. How composed. Their powers.—Property of the Departments.—Their estimates of revenues and expenses. Revision of the acts of the Assemblies.—III. Governors; their term of office; their powers.—Incompatibility.—IV. Corporations and mayors: their functions. V. Administration of the Department of Panamá.

ARTICLE 182.

For the convenience of the public service, the Departments shall be divided into Provinces, and the latter into municipal districts.

ARTICLE 183.

Each Department shall contain an administrative body to be denominated a department Assembly, which shall be composed of one Deputy for each twelve thousand inhabitants.

The law may change the preceding computation.

ARTICLE 184.

The Assemblies shall meet ordinarily every two years in the capital of the Department.

ARTICLE 185.

The Assemblies shall direct and encourage, by means of ordinances and with the resources belonging to the Department, primary education and charitable

works, industrial establishments and the introduction of new improvements, innigration, the introduction of foreign capital, the colonization of Department lands, the opening of roads and navigable canals, the construction of railways, the utilization of woods belonging to the Department, the improvement of rivers, matters relating to the local police, the Superintendence of the revenues and expenses of the districts, and generally whatever relates to local interests and to internal progress.

ARTICLE 186.

The Assemblies of the Departments shall also create and abolish municipalities upon the basis of population established by law, and restrict or enlarge the municipal limits as local interests may require. If any complaints should be made, of injury done on account of any act restricting or enlarging said limits, the Congress shall have cognizance of the said complaints.

ARTICLE 187.

The Assemblies of the Departments may, by the authorization of Congress, exercise other functions than those especially belonging to them by law.

ARTICLE 188.

The property, rights, values and shares which, by the laws or by the decrees of the national Government or by any other title, may have formerly belonged to the late sovereign States, are hereby conveyed to the respective Departments and shall belong to them during their legal existence.

The immovable property referred to in article 202 is not included in this conveyance.

ARTICLE 189.

The Assemblies shall vote every two years the estimate of revenues and expenses of their respective Departments, and shall, according to law, make the

appropriations necessary to meet the expenses so estimated.

ARTICLE 190.

The Assemblies of the Departments may, in order to discharge the expenses of administration, levy taxes under the conditions and within the limits prescribed by law.

ARTICLE 191.

The ordinances enacted by the Assemblies shall be enforceable and binding as long as they shall not be suspended by the Governor nor by judicial authority.

ARTICLE 192.

All persons injured by acts of the Assemblies may appeal for relief to a competent Tribunal, which may, as a measure of prompt relief and to avert a serious injury suspend the act complained of.

ARTICLE 193.

There shall be a Governor in each Department who shall exercise the functions of the Executive Power as Agent of the Central Administration, on the one part, and on the other, as Superior Chief of the Administration of the Department.

ARTICLE 194.

The Governors shall be appointed for the term of three years, and they may be reappointed.

ARTICLE 195.

The Governor shall be vested with the following powers;

1. To obey the orders of the Government himself and to see that they are obeyed by others in the Department.

2. To direct administrative action in the Department, to appoint and remove his agents, to reform and revoke their acts and to adopt all necessary mea-

sures for the conduct of the several branches of the administration.

3. To be the organ of the Department and to represent it in all political and administrative matters.

4. To assist the administration of justice within the limits prescribed by law.

5. To supervise and protect official corporations and public establishments.

6. To approve, in the manner determined by law, the ordinances that may be enacted by the Assemblies of Departments.

7. To suspend, by virtue of his office or on petition of the party aggrieved, and by an order setting forth his reasons therefor, and within ten days after their issue, such ordinances of the Assemblies as have been enacted without authority, or in violation of law, or in contravention of the rights of third parties; and he shall submit such suspension to the Government for its ratification or rejection.

8. To review the acts of the Municipalities and of the mayors, to suspend the former and to revoke the latter by orders setting forth his reasons therefor, which reasons should only be for incompetency of the authorities or for illegality of their acts.

And such other powers as may be conferred upon him by law.

ARTICLE 196.

The Governors shall be subject to the Executive and Judicial powers of the Nation. They shall be removable by the Government, and they shall be answerable to the Supreme Court for offences committed in the exercise of their functions.

ARTICLE 197.

The Governor may call the National force to his aid, and the military Chief shall obey his orders unless in contravention of other provisions made by the Government.

ARTICLE 198.

In each municipal district there shall be established a corporation to be designated by the name of the municipal council.

ARTICLE 199.

The Municipal councils shall enact such resolutions and local regulations as may be necessary for the proper administration of the districts; they shall, in accordance with the ordinances of the Assemblies, levy local taxes and determine local expenditures; they shall keep an annual register of the population; they shall take a census whenever required by law; and they shall perform such other duties as may be assigned to them by law.

ARTICLE 200.

The mayor shall be the chief administrative officer in the district, and he shall hold the dual character of Governmental Agent and public authority.

ARTICLE 201.

The Department of Panamá shall be subject to the direct authority of the Government, and it shall be administered by laws especially enacted therefor.

TITLE XIX.

OF FINANCE.

ABSTRACT.—Property and liabilities of the Nation.—General rules regarding taxation.—Revenue and expenses.

ARTICLE 202.

The following property shall belong to the Republic of Colombia:

1. The estates, revenues, lands, valuables, rights and shares that belonged to the Colombian Union on the 15th day of April, 1886.

2. The uncultivated domain, mines and salt works that belonged to the States, the property in which now vests in the Nation, without prejudice to rights acquired by third persons from the said States or held by the latter from the Nation under title of indemnification.

3. All mines, whether of gold, silver, platinum or precious stones that lie within the national territory, without prejudice to rights acquired under previous laws by the discoverers and workers of either of them.

ARTICLE 203.

The Republic shall be responsible for the foreign and domestic debts that have been recognized or that may be hereafter recognized, and for the expenses of the public national service.

The law shall determine the order and manner of satisfying these obligations.

ARTICLE 204.

No indirect tax nor any increase of such tax already existing, shall take effect within six months after the promulgation of the law establishing the same.

ARTICLE 205.

No alteration in the customs tariff shall take effect within ninety days after the approval of the law enacting the same; and all increase or diminution of the import dues shall be divided into ten parts to take effect, in such decimal proportion, during the ten following months.

This provision and that of the preceding article, shall not limit the extraordinary powers of the Government in any case in which it may be invested therewith.

ARTICLE 206.

Each Ministry shall every two years prepare an estimate of its expenditures and deliver the same to

the Treasury Department, and the latter shall, from the estimates so received, prepare a general budget for the Nation and submit it to the approval of Congress, together with an estimate of the appropriations necessary to meet the national liabilities.

If Congress shall fail to provide for the expenses of the fiscal period of two years, the law enacted for the preceding period shall continue in force.

ARTICLE 207.

No expenditure of public money shall be made without a previous authorization thereof by Congress, by the Assemblies of Departments, or by the municipalities ; nor shall any appropriation be diverted from the object for which it was made.

ARTICLE 208.

Whenever, in the judgment of the Government, the necessity arises for an indispensable expenditure, and the two Houses should not be in session or the appropriation made should be inadequate, a supplemental or extraordinary sum may be added to the appropriation of the respective Ministry. These supplemental amounts shall be authorized by the Council of Ministers upon proof of their necessity and after consulting with the Council of State.

Congress shall legalize these authorized payments. The Government may petition Congress for appropriations in addition to those already made.

TITLE XX.

OF THE AMENDMENT OF THIS CONSTITUTION AND THE ABROGATION OF THE FORMER.

ARTICLE 209.

This Constitution may be amended by a legislative act, discussed and adopted after three several readings in the usual manner by Congress, submitted by the

Government to the next following Legislature for its definitive action, and by it newly discussed and finally adopted by two-thirds of the members voting in both Houses.

ARTICLE 210.

The Constitution of the 8.th of May, 1863, which is inoperative by reason of accomplished facts, is hereby abolished; and, in the same manner, all legislative provisions in conflict with this Constitution are hereby repealed.

TITLE XXI.

(Additional).

TEMPORARY PROVISIONS.

ARTICLE A.

The first presidential term shall begin on the 7.th day of August of the present year.

On the same day shall begin the first constitutional term of the Vice-President of the Republic and of the Designado.

The first constitutional term of the Councilors of State and of the Attorney-General of the Nation shall begin on the 1.st day of September.

The new judges of the national Supreme Court shall take possession of their offices on the 1.st day of September of the present year.

ARTICLE B.

The first constitutional Congress shall assemble on the 20.th day of July, 1888.

ARTICLE C.

As soon as this Constitution shall be adopted, the National Council of Delegates shall assume legislative functions and all others belonging to Congress or to either House thereof. Besides these functions it shall exercise that mentioned in article 77.

ARTICLE *D.*

Before the date fixed for the assembling of the first constitutional Congress the constituent national Council shall exercise legislative functions whenever convoked in extraordinary session by the Government.

ARTICLE *E.*

The National Council shall elect, by two separate votes, the members of the Council of State whose election is provided for by the Senate and House of Representatives respectively, and in each of these votes shall elect two persons. The person receiving the largest number of votes shall be declared a Councilor for the term of four years, and the person receiving the next highest number of votes, for the term of two years. In case of a tie in the vote, it shall be decided by lot.

The two Councilors whose appointment is provided for by the Government, shall be elected at the same time, and lot shall be cast before the Council of Ministers to determine which of the two shall serve for four years and which for two years.

ARTICLE *F.*

In the performance of the duty n.º 2 of the Council of State, that body may add to each of its sections one or two persons learned in the law. These persons shall cease to act as Councilors on the 20.th day of July, 1888.

ARTICLE *G.*

The revenues and taxes which had been established for the late States of the Union, shall continue the same for the Departments respectively, as long as other provisions are not made by the Legislative Power.

The revenues which by late decrees of the Executive Power were intended for the national service, shall be excepted from the foregoing provision.

ARTICLE *II.*

As long as the Legislative Power shall not provide otherwise, the laws existing in the several States shall continue in force in the respective Departments. After the constituent National Council shall have assumed the functions of a legislative body, it shall at once proceed to enact a law in regard to the adoption of Codes and the revision of national legislation.

ARTICLE *I.*

All laws of the late States that may have been suspended by the federal Supreme Court, and all laws considered by said Court but not suspended by an unanimous vote, shall be referred to the Council of Delegates for its final decision thereupon.

ARTICLE *J.*

If before the enactment of the law referred to in article H any person should be tried for any of the offences mentioned in article 29, the trial thereof shall be conducted under Code of the late State of Cundinamarca, approved October 16.th 1858.

ARTICLE *K.*

Pending the enactment of a law regulating the press, the Government shall be empowered to prevent and suppress the abuses thereof.

ARTICLE *L.*

All acts of a legislative character promulgated by the President of the Republic before the adoption of this Constitution, shall continue in force, even though in conflict herewith, until they be expressly repealed by the legislative body or revoked by the Government.

ARTICLE *M.*

The President of the Republic shall appoint, the first time, the Judges of the Supreme Court and of the Superior Tribunals, and he shall submit such appointments to the approval of the National Council.

ARTICLE N.

All permanent vacancies among the members of the National Council, from and after the date of its becoming a legislative body, shall be filled by the Governors of Departments.

ARTICLE O.

This Constitution shall go into effect, for the high National Powers, from and after the day on which it shall be approved ; and for the Nation, thirty days after its publication in the *Diario Oficial*.

Given at Bogotá, on the 4.th day of August, 1886.

JUAN DE DIOS ULLOA,

President of the Constituent National Council, and Delegate for the State of Cauca,

JOSÉ MARÍA RUBIO FRADE,

Vice-President of the Constituent National Council, and Delegate for the State of Cundinamarca.

SIMÓN DE HERRERA,

Delegate from State of Antioquia.

JOSÉ DOMINGO OSPINA CAMACHO,

Delegate from State of Antioquia.

JOSÉ M. SAMPER,

Delegate from State of Bolívar.

JUAN CAMPO SERRANO,

Delegate from State of Bolívar.

CARLOS CALDERÓN REYES,

Delegate from State of Boyacá.

FRANCISCO MENDOZA PÉREZ,

Delegate from State of Boyacá.

RAFAEL REYES,
Delegate from State of Cauca.

JESÚS CASAS ROJAS,
Delegate from State of Cundinamarca.

LUIS M. ROBLES,
Delegate from State of Magdalena.

MIGUEL ANTONIO CARO,
Delegate from State of Panamá.

FELIPE F. PAÚL,
Delegate from State of Panamá.

GUILLERMO QUINTERO CALDERÓN,
Delegate from State of Santander.

ANTONIO CARREÑO R.,
Delegate from State of Santander.

ACISCLO MOLANO,
Delegate from State of Tolima.

ROBERTO SARMIENTO,
Delegate from State of Tolima.

Julio A. Corredor, Secretary.—*Victor Mallarino*, Secretary.

National Executive Power.—*Bogotá, August 5th 1886.*

Let it be obeyed and published.

J. M. CAMPO SERRANO.

ARISTIDES CALDERÓN,
Home Secretary.

VICENTE RESTREPO,
Secretary for foreign Affairs.

ANTONIO ROLDÁN,
Secretary of Finance, in charge of War Department.

JORGE HOLGUÍN,
Secretary of the Treasury.

ENRIQUE ALVAREZ,
Secretary of Public Instruction, in charge of Department of Public Works.





RETURN CIRCULATION DEPARTMENT
TO → 202 Main Library

LOAN PERIOD 1 HOME USE	2	3
4	5	6

ALL BOOKS MAY BE RECALLED AFTER 7 DAYS

Renewals and Recharges may be made 4 days prior to the due date.

Books may be Renewed by calling 642-3405

DUE AS STAMPED BELOW

AUTO DISC CIRC	JUN 17 '93	

UNIVERSITY OF CALIFORNIA, BERKELEY
BERKELEY, CA 94720

Dayton Bros.
Makers
Syracuse, N. Y.
PAT. JAN 21, 1908

U.C. BERKELEY LIBRARIES



C025919181

